Illinois Advisory Committee to the U.S. Commission on Civil Rights

Civil Rights and Voting March 9, 2017



Agenda

- Opening Remarks and Introductions (8:00am-8:15am)
 - Panel 1: (8:15am-9:30am) Legal and Academic Research on Voting Rights
 - Panel 2: (9:45am-11:00am) Voting and Incarceration
 - Panel 3: (11:15am-12:30pm) Language Access
- Break (12:30pm-1:30pm)
 - Panel 4: (1:30pm-2:45pm) Voting Across Social Groups
 - Panel 5: (3:00pm-4:15pm) Government Perspectives
 - Open Forum (4:15pm-5:00pm)
- Closing Remarks (5:00pm)



Contact the Committee

For more information please contact:

U.S. Commission on Civil Rights

Regional Programs Unit

55 W. Monroe, Suite 410

Chicago IL 60603

312-353-8311

To submit written testimony please email Melissa Wojnaroski at mwojnaroski@usccr.gov by April 10, 2017



Panel I: Legal and Academic Research on Voting Rights

Legal and Academic Research on Voting Rights (8:15am-9:30am)

- 1. Ruth Greenwood, Campaign Legal Center
- 2. Ami Gandhi, Chicago Lawyers Committee for Civil Rights Under Law, Inc.
- 3. Jacob H. Huebert, Liberty Justice Center
- 4. Rebecca Glenberg, ACLU of Illinois



Panel II: Voting and Incarceration

Voting and Incarceration (9:45am-11:00am)

- 1. Dr. Christina Rivers, PhD, DePaul University
- Michelle Mbekeani-Wiley, Sargent Shriver National Center on Poverty Law
- 3. Cara Smith, Office of Cook County Sheriff Tom Dart
- 4. Nasir Blackwell, Inner-City Muslim Action Network
- 5. Marlon Chamberlain, Community Renewal Society



Panel III: Language Access

Language Access (11:15am-12:30pm)

- 1. Ryan Cortazar, Chicago Lawyers Committee for Civil Rights Under Law, Inc.
- 2. Shobhana Verma, Chicago Board of Election Commissioners
- 3. Verónica Cortez, Mexican American Legal Defense and Education Fund
- 4. Andy Kang, Asian Americans Advancing Justice Chicago

Panel IV: Voting Across Social Groups

Voting Across Social Groups (1:30pm-2:45pm)

- 1. Cheryl Jansen, Equip for Equality
- 2. Sharon Legenza, Housing Action Illinois
- 3. Christian Diaz, Chicago Votes
- 4. Juan Thomas, National Association for the Advancement of Colored People
- 5. Mary H. Schaafsma, League of Women Voters of Illinois



Panel V: Government Perspectives

Government Perspectives (3:00pm-4:15pm)

- 1. Brent Davis, Illinois State Board of Elections
- 2. David Orr, Cook County Clerk
- 3. Karyn Bass Ehler, Chief of Civil Rights Bureau, Office of the Illinois Attorney General
- 4. Representative, Illinois Secretary of State (tentative)



Open Forum

- Please indicate at the sign-in table if you wish to speak.
- Reminder: this meeting is being recorded and transcribed for public record.



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Chicago Lawyers' Committee for Civil Rights

U.S. Commission on Civil Rights Public Meeting 1 March 9, 2017

Ami Gandhi

Director of Voting Rights and Civic Empowerment

agandhi@clccrul.org (312) 888-4193

Election Protection Hotline

The nation's largest non-partisan voter protection program

As the nation's largest non-partisan voter protection program, hotline and poll watcher volunteers have answered thousands of voter questions and resolved numerous problems at the polls for the 2016 general election.



English Language 866-OUR-VOTE*

Spanish Language Assistance 888-VE-Y-VOTA

Asian Language Assistance 888-API-VOTE

Locations

Call Center
On-site at polls

^{*}The source of data for this presentation

Volunteers and Training

Volunteer attorneys and individuals staffed the Election Protection Hotline



A Hotline & poll watcher volunteers

Partnerships

Common Cause Illinois

The Illinois Coalition for Immigrant and Refugee Rights

The Mexican American Legal Defense and Educational Fund

Equip for Equality

The Chicago Urban League

Chicago Votes

Black Youth Project 100

Asian Americans Advancing Justice Chicago

The League of Women Voters



Reported issues

Trained to

Understand voter access barriers

Investigate and remedy problematic practices

Provide information on voting rights

Advocate for necessary reforms

Example of issues

Voter intimidation

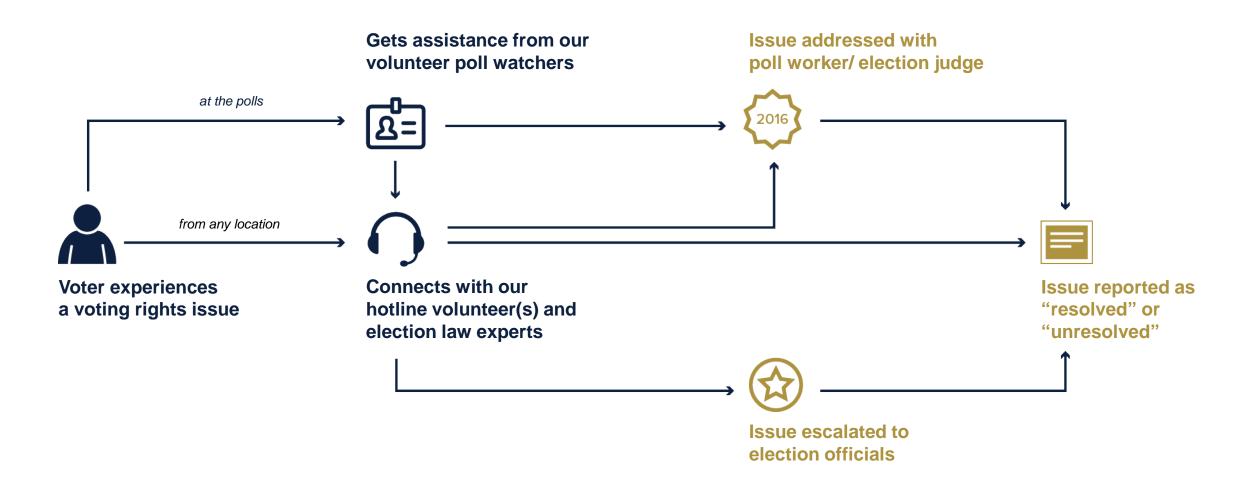
Language barriers

Lack of access to polling place

Incorrect and unclear voter registration status

Hotline Process Flow

A look at how issues moved from the polling place to our database



We collected data on a national level. Today's focus is on issues in Illinois.

Overview

Voter hotline issues October 17 – November 11, 2016

1083 Illinois Hotline issues

61 Illinois counties represented

392 Issues from people of color

133 Registration

Polling Place Issues

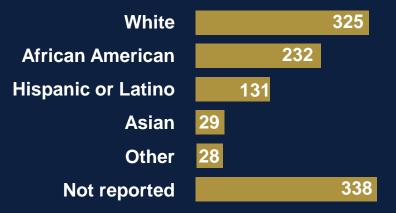
37 Ballot Issues

188 Other

281

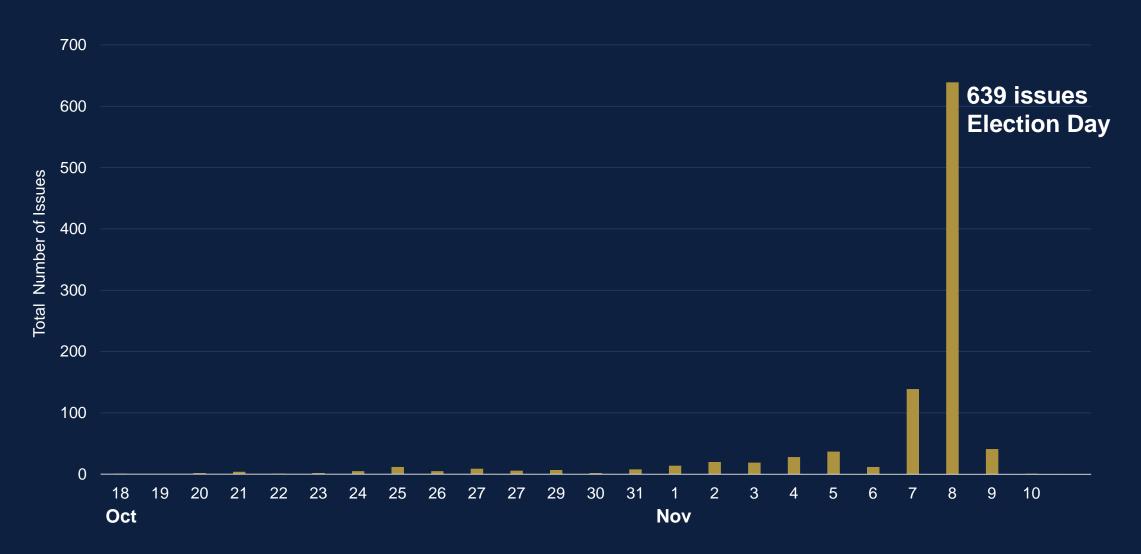


Received calls from 59.8% of 102 IL Counties



Overview

Voter hotline issues October 17 – November 11, 2016



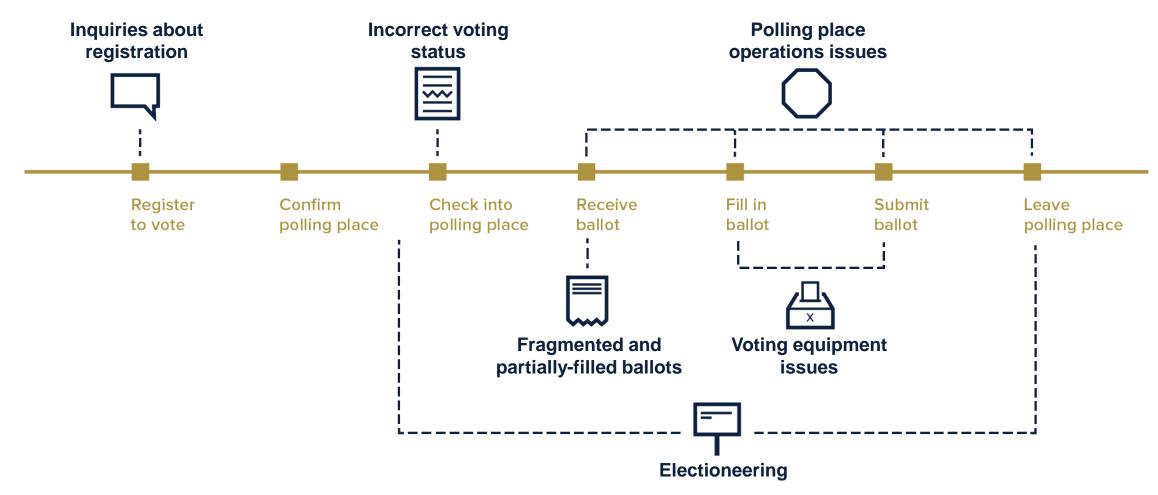
639 Election Day issues

A breakdown of issues on Election Day by category

215	Polling place location & EDR information
103	Inquiries about registration
50	Voter equipment issues
42	Polling place operation issues
22	Incorrect voter status
19	Fragmented and partially-filled ballots
77	Other (includes electioneering and missing absentee/mail-in ballots)

Voting Experience

The journey to voting at the polls



Possible barriers throughout the entire experience: Language barriers, voter intimidation, systemic barriers, and missing absentee/mail-in ballots

Inquiries about registration

 \Box

Database Entry 85932

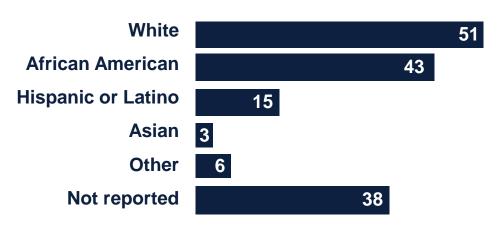
The caller lives in Illinois, but has a Virginia driver's license and a passport containing a Michigan [address.] She asked if she could still vote in Illinois. I told her that because she lives in Cook County, the polling location in her building will permit Election Day Registration. She will bring her passport, as well as the rental agreement for her apartment.

Inquiries about registration

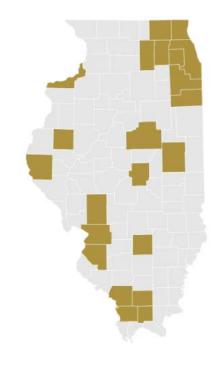
Lack of clarity in registration procedures and available resources

148_{Total issues}

Number of issues reported by race



23 Counties Had This Issue



Number of issues per IL county

78	Cook	1	Macoupin
1	Adams	1	Madison
1	Champaign	2	McDonough
1	Dekalb	1	McHenry
8	DuPage	2	McLean
2	Jackson	3	Rock Island
1	Johnson	8	St. Clair
4	Kane	1	Union
2	Kankakee	5	Will
1	La Salle	1	Williamson
3	Lake	1	Winnebago
2	Macon	9	Not Reported

Electioneering

早

Database Entry 109886

There are two gentlemen who claim to be outside the 100-foot radius and they are campaigning for three judges but they were not outside that radius... I told someone but they did not seem concerned. They were trying to catch as many people as they could. They were just campaigning and using postcards.

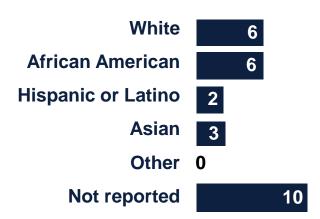
Incorrect voter status



Instances when voter's registration or voting status was incorrect on the rolls

27Total issues

Number of issues reported by race



9 Counties Had This Issue



Number of issues per IL county

- 15 Cook
- 2 DuPage
- 1 Alexander
- 1 Belleville
- 1 Kendall
- 1 Ogle
- 1 Peoria
- 1 Will
- 1 Winnebego
- 2 Other

Polling place operation issues



Database Entry 95137

Did not get to vote because 6:00 AM the poll was [not open] yet. Waited until 6:35 AM, but had to leave to vote. Employees were inside but did not come out and tell anyone why they could not go in to vote.

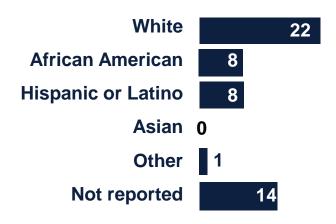
Polling place operation issues



Non-Equipment issues that hinder the voting process.

53 Total issues

Number of issues reported by race



6 Counties Had This Issue



Number of issues per IL county

- 33 Cook
- 5 DuPage
- 4 Will
- 2 Kane
- 1 Winnebago
- 1 Lake

Fragmented and partially-filled ballots



Database Entries 85634 and 106177

Had to let the judges know that they were supposed to give both [pages of the ballot] to voters. For the first 6 voters, the judges only gave the candidate ballot.

Voter pulled up her sleeve and half of ballot was already completed. Another voter was given a provisional ballot even though they were registered to vote. Only after voter resisted that they were given a regular ballot.

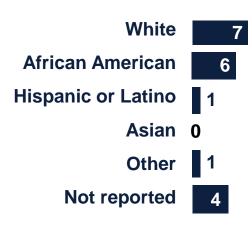
Fragmented and partially-filled ballots



Distributed ballots were missing sections or had filled in entries

19_{Total issues}

Number of issues reported by race



3 Counties Had This Issue



Number of issues per IL county

- 14 Cook
- 1 Peoria
- 1 Woodford
- 3 Not Reported

Voting equipment issues



Database Entry 109464

Electronic voting will not allow voter to review the first page of the ballot. She is being told that the ballot was cast, but cannot tell and is unable to review the first page. Many people now looking at the ballot and caller is worried that her vote is not being counted. When the paper printed out it said "voided" but she is told the vote has cast. Voter gone but concerned that the machine is not working for anyone.

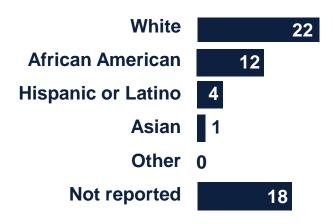
Voting equipment issues

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Issues with voting equipment that hinder the voting process

57 Total issues

Number of issues reported by race



9 Counties Had This Issue



Number of issues per IL county

- 41 Cook
- 3 DuPage
- 2 McHenry
- 2 Will
- 2 St. Clair
- 1 Marion
- 1 Kane
- 1 Grundy
- 1 Logan

Other Barriers



 Voter intimidation and barriers for voters interfacing with criminal justice system

Barriers for voters with disabilities

Barriers for homeless voters

Language barriers

From issues to reform

A look at how issues moved from the polling place to reform



Election Day Registration



We received hundreds of calls from voters asking about their voter registration status in general and about Election Day Registration requirements specifically. Voters in every county used this tool. 120,838 voters used Election Day Registration statewide. We saw the alternative in past elections and in neighboring states—voters were turned away from the polls.

Automatic Voter Registration



Chicago Lawyers' Committee for Civil Rights

Ami Gandhi

Director of Voting Rights and Civic Empowerment

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Mass Incarceration and the Imprisonment of Democracy and Equality

Christina Rivers, Ph.D.
Assoc. Professor—Political Science
Director—Center for Black Diaspora
DePaul University

Context: Founding-Era Restrictions on Voting

- White/Anglo-Saxon
- Male
- 21 years of age
- Christian
 - Protestant
- Free-holder status
- Poll taxes
- Felon disenfranchisement

Felon Disenfranchisement—Origins

Principles

- Medieval concept of "civil death"
- Reinforced by Rousseau's "social contract theory"

Pragmatics

- Reinforced founding-era limitations on popular democracy
- Reinforced by 14th amendment, Section 2
- Reinforced connections between race, lawful behavior, political power

"War on Drugs" → War on Equality

- U.S. has 2.7 million in prison/jail; 6.1 million under penal supervision
 - = 5% of world's population, but 25% of world's prison population
 - profound racial disparities in arrests, convictions, sentences

Racial breakdown Race/Ethnicity	s as of 2010 U.S. Ca % of US population	incarcerated population	Raw numbers per 100,000
White (non- Hispanic)	64%	39%	450
Hispanic	16%	19%	831
Black	13%	40%	2,306

Felon and Ex-Felon Disenfranchisement

- 6.1 million Americans are disenfranchised due to felony convictions
 2.5% of total voting-age population; 1 in 40 adults
- 48 states disenfranchise the convicted, some permanently or nearly so
 - Iowa(-,+,-), Florida(-,+,-), Kentucky(-,+,-), *Maryland(-,+,+,-,+)*
 - 1.5 million disenfranchised in Florida alone
 - >20% A-As disenfranchised in FL, KY, TN, VA
 - Most states disenfranchise those on parole and/or probation
 - 2.1 million, or 1 in 13 Af-Amer. of voting are disenfranchised
 - 7.4% of the adult African Americans are disenfranchised, versus 1.8% of the general population.
 - patchwork of disenfranchisement and restoration laws

Felon Disenfranchisement in Illinois

- As of 2016, 27,500 African Americans are disenfranchised due to felony convictions
 - this equates to 2% of Illinois' black voting age population
 - 0.5% of Illinois' overall voting-age population is disenfranchised for this reason
- In Illinois, voting eligibility is automatically restored upon release from prison, regardless of parole/probation status; the formerly incarcerated must (re)register to vote.

Prison-Based Gerrymanders

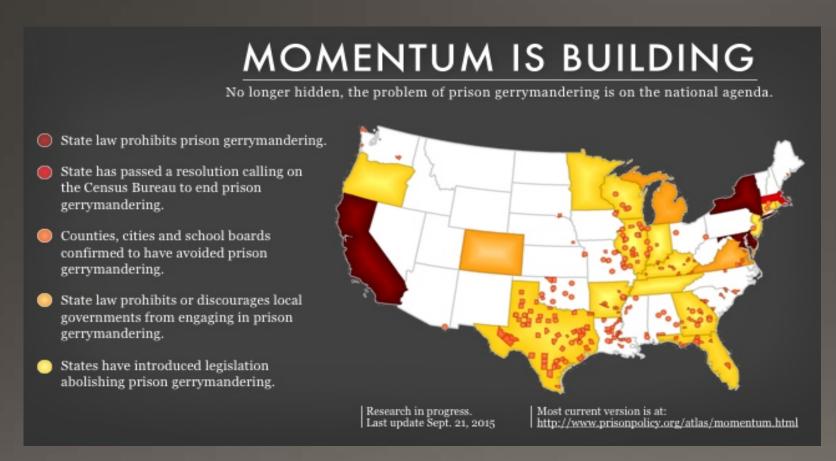
- U.S. Census counting prisoners at prison address +
- Lawmakers including prisoners in electoral districts
- Slaves, 3/5 clause, → increase in "slave power":
 - "Great men never lack supporters, who manufacture their own voters"
- Prisoners, prison gerrymanders, and existence of "felon power" ->
 - "phantom/zombie constituents"—bodies w/o votes or representation
 - "ghost constituents"—counted at prison even after release
 - conflicts with state "usual residence rules"
 - conflicts with 14th amendment's equal protection clause
 - conflicts with "one-person-one-vote" principle
 - skewed representation and distribution of public funds

Revives the 3/5 clause—this time at a 1/1 ratio—in general, and disproportionately for African-Americans.

Prison Gerrymanders, Illustrated

Anamosa, Iowa example:

https://www.youtube.com/watch?v=wzh32Zp_PYk



• Illinois HB 62, 2014--"No Representation w/o Population", L. Ford, sponsor

Conclusion

- racial disparities in the criminal justice system → racial disparities in political representation
- The average time served is 3 years; most prisoners will return home
- Many prisoners don't know of their post-release eligibility to vote
- Increasing indications that currently and formerly incarcerated would vote if they could
- Recidivism decreases when the formerly incarcerated feel a sense of community, political efficacy, and 1st class citizenship
- Voting matters, esp. at local levels and in era of close electoral margins
- U.S. is deviant from other developed democracies in terms of our high rates of incarceration & disenfranchisement of those convicted of felonies

Chicago Lawyers' Committee for Civil Rights

U.S. Commission on Civil Rights Public Meeting 1 March 9, 2017

Ryan Cortazar
Voting Rights and Civic F

Voting Rights and Civic Empowerment

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History of Language Discrimination & Access



- More precious even than the forms of government are the mental qualities of our race. . . . They are exposed to a single danger, and that is that by constantly changing our voting citizenship through the . . . infusion of Southern and Eastern European races —III N.Y. State Constitutional Convention 3012 (Rev. Record 1916).
- § 4(e) may be viewed as a measure to secure for the Puerto Rican community residing in New York nondiscriminatory treatment by government—both in the imposition of voting qualifications and the provision or administration of governmental services, such as public schools, public housing and law enforcement.

—Katzenbach v. Morgan

Voting Rights Act



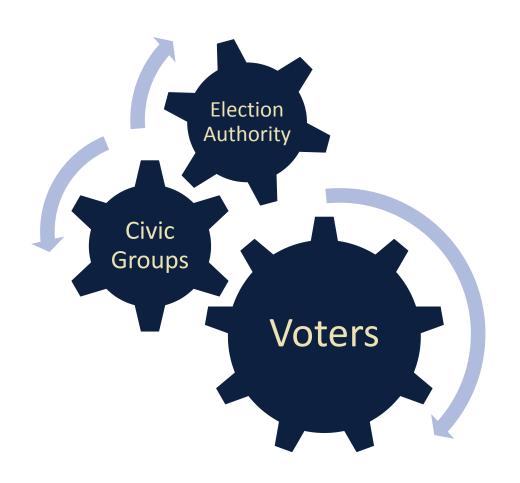
A State or political subdivision is a covered State or political subdivision . . . if . . . more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient; . . . more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; . . . and the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

— Section 203

Chicago Lawyers' Committee for Civil Rights

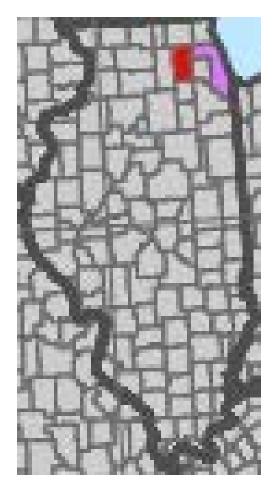
Implementation



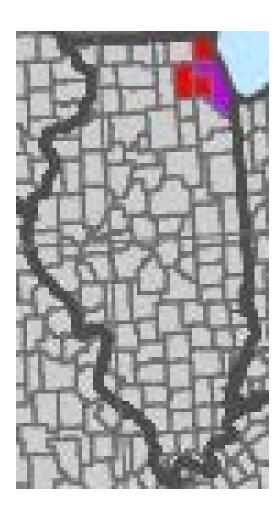


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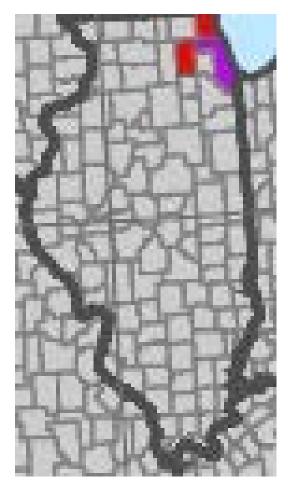
Recent Developments



2002



2011



2016

Paths Forward

Acting Locally & Thinking Globally: Keys to Successful Language Assistance in Elections



Shobhana Johri-Verma

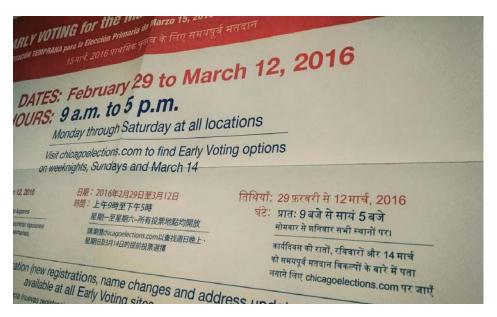
South-Asian Community Liaison Chicago Board of Election Commissioners Since 2014

1. Language Assistance

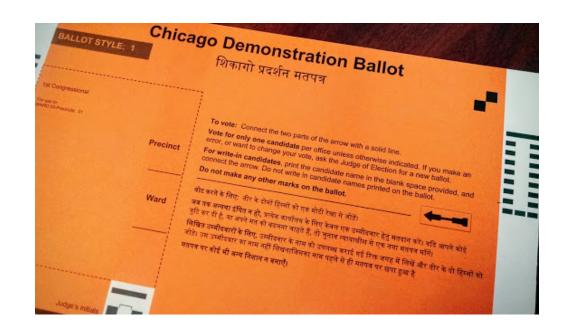
- Language Liaisons placed at Operational Core
- In Chicago: Part of Community Services
 - Poll Workers
 - Trainers
 - Voter Registration
- Language Liaisons know all facets of operation

2. For Translations: Think Globally

Include every item that needs to be translated for a voter...

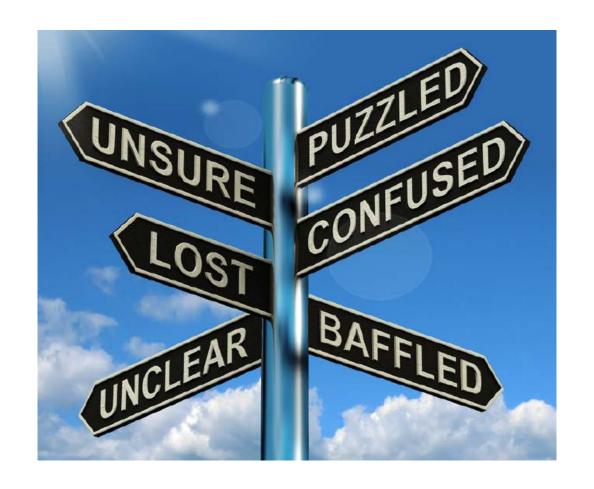






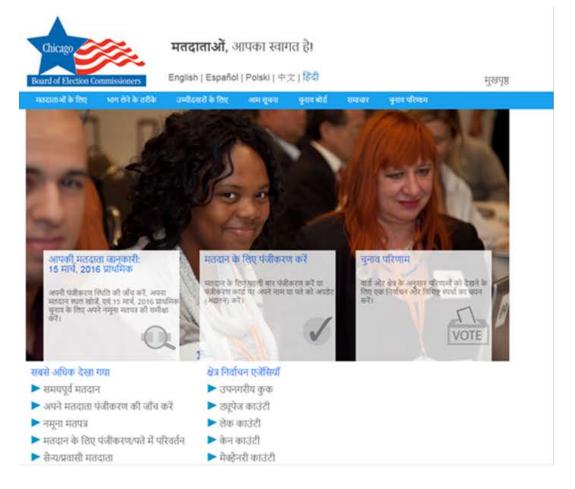
For Translations: Think Globally

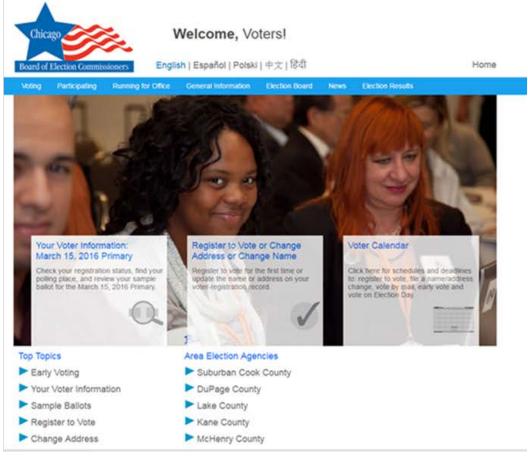
Never make web users search in English to find a translation.



For Translations: Think Globally

Make your web site fully navigable for every language user.





3. Use Authentic Translations

Authentic translations are best prepared by in-house staff.



Use Authentic Translations

Authentic translations are never made by pressing a button.



Use Authentic Translations

- When in doubt, check the US Election Assistance Commission glossary.
- In the absence of a glossary or definition, use a translation service.
- Have your community partners review the translation service's work.
- When the EAC lacked a glossary, Chicago built one that local organizations reviewed.

4. Fully Partner With Community Groups

- Attend and organize events year-round, not just around elections.
- Include all community groups in formulating policy and recruiting poll workers.
- Be ready to hear and respond effectively to all grievances.
- Build on relations beyond what's required.



Outreach Is a Year-Round Activity





Outreach is a Year-Round Activity







Outreach is a Year-Round Activity



Outreach is a Year-Round Activity



Case Study in the Value of Year-Round Outreach — Part I

Chicago's Voter Engagement Community Forum: Many ideas emerged from the dozen tables. Regardless of age, ethnicity, race, neighborhood or other demographics, participants in the forum picked the same top reforms:

- On-Line Voter Registration
- Election Day Registration
- Civics Education
- Universal Vote Centers



Case Study in the Value of Year-Round Outreach — Part II

With this broad spectrum of support, the Chicago Election Board since then has helped to secure legislation that allowed for:

- On-Line Voter Registration,
- Election Day Registration, and
- Civics Education

... Additionally laws are being developed for the introduction of vote centers.



Acting Locally & Thinking Globally: Keys to Successful Language Assistance in Elections



INCREASING CIVIC PARTICIPATION AMONG YOUNG PEOPLE

Christian Diaz

Christian.mariano.diaz@gmail.com



Who is Chicago Votes?

 Chicago Votes is a non-partisan, non-profit organization building a more inclusive democracy by putting power in the hands of young Chicagoans.



What is the need?

- According to the 2011 Illinois Civic Health Index, IL ranked 13th in the nation out of 51 states in terms of young people discussing community issues with their friends and family.
- According to the same study, IL ranks 47th in terms of young people participating in local elections.
- What does this tell us? What barriers prevent young people from participating in elections? What is the impact of low voter turnout?

Young people care. A lot.

- UCLA's 2015 survey of first-year college students in the U.S. found "interest in political ad civic engagement has reached the highest level since study began 50 years ago."
- Illinois Millennials are more likely to volunteer than their national peers (21.3%). Additionally, they outpace the national average in making donations of \$25 or more to community organizations (31.6%).
- How do we translate civic interest into voter participation?

What barriers prevent people from voting?

- According to the Pew Research Center, the United States ranks 31 out of 35 developed countries, trailing most in voter turnout. Barriers that prevent people from voting include:
- 1. Inefficient and outdated voter registration systems
- 2. Lack of opportunities for meaningful civic education
- Disconnection between constituents and the political parties that aim to represent them

Equity, as always, matters.

- Voter turnout among young people varies drastically by education, income, race and ethnicity.
- Historically marginalized communities suffer from civic empowerment gaps across age groups, but markedly so among young people.
 - As early as the 4th grade and continuing into 8th and 12th grades, African-American, Hispanic and poor students perform significantly worse on tests of civic knowledge than their White, Asian and middleclass peers.
 - Considerable studies show people living in areas of concentrated poverty are significantly less likely to be civically engaged, and have less opportunities for civic engagement. Experiences that promote civic readiness are overwhelmingly distributed in favor of affluent communities.

(Source: Levinson, Meira. 2010. The Civic Empowerment Gap)

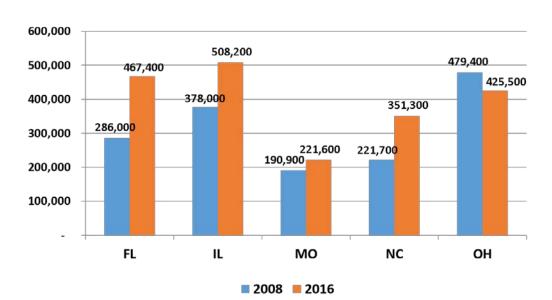
What is the impact of low voter participation among young people?

- Studies show a direct correlation between civic participation and the well-being of a community across health, education and income.
- Access to high quality civic education and servicelearning opportunities increase a student's likelihood of graduating from high school and acquiring a degree in higher education.
- Civic education develops collaboration, communication, deliberation and critical thinking skills that best prepare students for higher education and the workforce.

Illinois is making progress

- Through the Illinois 2016 primary, we see that democracy reform + civic education + civic engagement = higher youth voter turnout.
- The March 15th Illinois primary election surpassed previous records by 6 percentage points in youth voter turnout.

 Youth Total Primaries Participation 2008 and 2016



Why higher rate of voter participation?

- Democracy reform:
 - Online Voter Registration
 - Grace Period Early Voting & Registration
 - Election Day Voter Registration





17-24 year olds have taken advantage of Grace Period Registration/Voting more than any other group, accounting for over 25% of votes #twill

Why higher rate of voter participation?

- Increased opportunities for civic education, leadership development and civic action elevate the voices of young people and make elections more relevant to their lived experience, thus increasing voter participation.
- Organizations and efforts like those of Chicago Votes, Mikva Challenge and CPS Department of Social Science and Civic Engagement give opportunities for young people to understand government and elections as well as the tools to communicate issues that impact young people to candidates and elected officials.

RECOMMENDATIONS FOR INCREASING VOTER PARTICIPATION ACROSS ALL COMMUNITIES

- Modernize elections through common sense reforms such as Automatic Voter Registration and public financing for campaigns
- 2. Increase funding for organizations and institutions to increase capacity for meaningful civic education of young people
- Address significant disparities in income, education in historically disenfranchised communities.

U.S. Commission on Civil Rights

Civil Rights and Voting in Illinois 3/9/17





National Voter Registration Act - 1993



Illinois Refused to Implement National Voter Registration Act ("Motor Voter")

- National Voter Registration Act ("Motor Voter") passed in 1993, increasing access to voter registration to millions of people each year
- In Illinois, Gov. Jim Edgar refused to align the state's voter registration standards with federal election law
- Along with the League of Women Voters and the City of Chicago, we sued Edgar and state officials to force implementation
- ➤ In 1996, the IL governor, attorney general, secretary of state and election board director dropped an appeal to the Illinois Supreme Court

Modernize
Agency
Registration



Create
Inclusive
Voter List

Fill Gaps

Automatic Voter Registration

The benefits of AVR include:

- Cleaner voter rolls
- Make the process of voter registration and knowing if one is registered to vote less confusing and intimidating to voters
- Decrease lines on Election Day
- Saves taxpayer money by making management of voter records more efficient

Mobile Society

In 2015, more than 13 percent of Illinoisans (1,679,582 people) moved

- ➤1,081,549 (64%) moved within Illinois and within the same county
- African American: 43% more likely to move than Whites
- Latino: 13% more likely to move than Whites
- Asian: 25% more likely to move than Whites

AVR - IL State Senate and House Vote Breakdown

- Illinois State Senate
 - 42 Yes
 - 37 Democrats 5 Republicans
 - 16 No
 - 1 Democrat 15 Republicans
- Illinois State House
 - 86 Yes
 - 71 Democrats 15 Republicans
 - 30 No
 - 0 Democrats 30 Republicans

ERIC: Electronic Registration Information Center

- IL successfully joined ERIC which allows states to share data like voter registrations, driver's licenses and deaths
- Clean lists are a critical part of protecting the integrity of the vote and they save money
- Pew Charitable Trusts, Illinois Study (as of August 2016):
 - ➤ 34,000 deceased individuals to be removed from the voter databases
 - ➤ 60,000 voters lived in other states
 - > 90,000 duplicate records
 - > 700,000 people registered at addresses where they no longer live

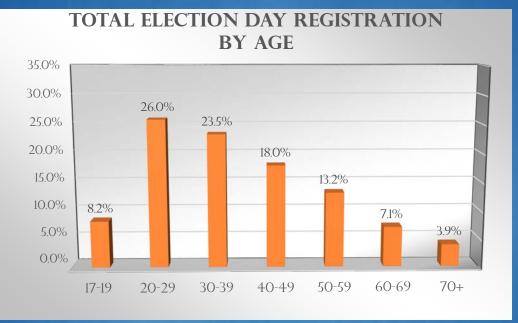
Election Day Registration

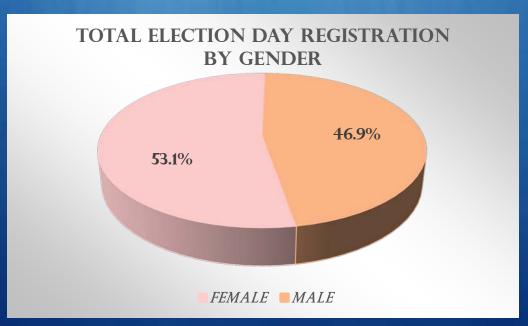
Benefits

- Encourages participation & reduce barriers
- Provides a safety net to correct registration errors
- > Streamlines electronic data and registration operations

<u>Impact</u>

- In Illinois, more than 100,000 people used EDR in each of last year's elections (March and November).
- ➤ In suburban Cook County, 26% were between 20 29 years old



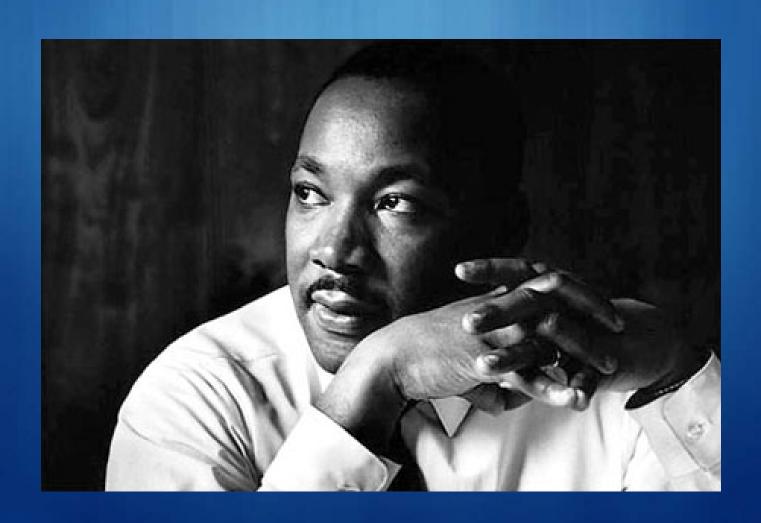


Language Access

We provide:

- > Ballots in Chinese, Hindi and Spanish
- ➤ Voter registration forms online and voter information guides (online and in print) in Korean and Polish
- > A voter hotline in five languages
- Election judges for five languages in targeted precincts
- Website translated into 5 different languages

"The arc of the moral universe is long, but it bends toward justice..."



"The stakes... are too high for government to be a spectator sport." - Barbara Jordan

